

Attorney Docket No: 02312/2042 (Serial No.:09/589,777)

Inventor: Sukhatme

Filed: June 8, 2000

Amendment After Final Office Action

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that originally-filed claim 35, which depended from claim 2 and therefore contained all of the limitations of claim 2, also recited that EM1 possessed anti-angiogenic activity.

The present amendment is therefore supported by the application as originally filed.


Amendment of Claim 12

Applicant has also amended claim 12. Claim 12 improperly used open-ended "comprising" language ("It is improper to use the term 'comprising' instead of 'consisting of.'"; MPEP § 2173.05(h); citing *Ex parte Dotter*, 12 U.S.P.Q. 382 (Bd. Pat. App. & Interf. 1931)). This claim is therefore amended accordingly.

Applicant submits that in view of the foregoing remarks, all issues relevant to patentability raised in the Office Action have been addressed. Applicant respectfully requests the withdrawal of rejections over the claims of the present invention.

Respectfully submitted,

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Name: Joyce C. Hersh
Registration No.: 42,890
Customer No.: 29933
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Telephone: (617) 239-0100
Telecopier: (617) 227-4420

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MARKED-UP VERSION OF AMENDMENTS:

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

Please amend claims 12 and 35 as follows:

12. (Amended) The fusion protein of Claim 11, further comprising at least one protein molecule selected from the group consisting of [comprising]: restin, endostatin, angiostatin, apomigren, and [or] EM 1.
35. (Twice Amended) An isolated mutant, derivative, analog or homolog of EM 1, having anti-angiogenic activity.